

## **IN THE CLAIMS**

Please cancel without prejudice claims 2-39, add new claims 40-56 and amend claim 1 as indicated in the following list of pending claims.

### **PENDING CLAIMS**

1. (Currently Amended) A biopsy instrument ~~[[fro]]~~ for retrieving body tissue, having a longitudinal axis and comprising:

a distal end adapted for entry into a patient's body; and

~~[[a]] an electrosurgical~~ cutting element disposed on ~~said~~ a distal portion of the instrument~~[[,]]~~ ~~said cutting element being~~ which is actuatable between a radially retracted position and a radially extended position, relative to said axis, and ~~being~~ which is movable in said radially extended position to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen.

Claims 2-39 (Canceled)

40. (New) A instrument assembly for isolating target tissue form an intracorporeal site, comprising:

a. an elongate shaft which has a longitudinal axis and a distal end; and

b. an elongated electrosurgical tissue cutting element which is longitudinally disposed on the elongate shaft proximal of the distal end of the shaft, which is radially extendable from a retracted position to a radially extended position, which is configured to be rotated at least in part about the longitudinal axis in a radially extended arcuate position while receiving electrical power from a high frequency electrical power source to

electrosurgically isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about at least part of the tissue specimen.

41. (New) The instrument assembly of claim 40 which includes an electrical conductor configured to electrically interconnect the electrosurgical tissue cutting element to high frequency electrical power source.

42. (New) The instrument assembly of claim 40 wherein the electrosurgical cutting element has a proximal end and a distal end and which is configured to move one end closer to the other end to effect radial extension from the retracted position to the radial extended position.

43. (New) The instrument assembly of claim 42 wherein the electrosurgical cutting element is configured so that the distal end is fixed and the proximal end moves toward the distal end in order to radial extend the electrosurgical cutting element.

44. (New) The instrument assembly of Claim 40, wherein the electrosurgical cutting element comprises a monopolar electrode.

45. (New) The instrument assembly of Claim 40, wherein the electrosurgical cutting element comprises a bipolar electrode.

46. (New) The instrument assembly of Claim 40, including a sheath which is axially movable between distal and proximal positions for selectively covering and uncovering the electrosurgical cutting element.

47. (New) The instrument assembly of Claim 46, including a proximal driver unit for controlling radial expansion and retraction of the electrosurgical cutting element and rotation of the cutting element about the longitudinal axis.

48. (New) The instrument assembly of Claim 47, wherein the proximal driver unit further controls axial movement of said shaft and axial movement of said sheath.

49. (New) The instrument assembly of Claim 40, wherein the electrosurgical cutting element is configured to be manipulated to segment the tissue specimen.

50. (New) The instrument assembly of Claim 49, wherein the electrosurgical proximal tissue cutting element is configured to segment the tissue specimen after it has been isolated from the surrounding tissue.

51. (New) The instrument assembly of claim 49 wherein the tissue cutting element is configured to segment the tissue specimen as it is being retracted from said radially extended position to said radially retracted position.

52. (New) The instrument assembly of Claim 51, wherein the radially extended position comprises a first radially extended position, and wherein the electrosurgical cutting element is further actuatable to a plurality of additional radially extended positions and rotatable about the longitudinal axis in each of said radially extended positions to selectively peripherally segment said tissue specimen.

53. (New) The instrument assembly of Claim 50, and further comprising a cannula having a lumen for providing a passageway into the patient's body, the segments of the tissue specimen being removable from the patient's body through the cannula.

54. (New) A system for isolating body tissue, comprising:

- a. an elongate shaft having a longitudinal axis and a distal end;
- b. an electrosurgical tissue cutting element disposed on the elongate shaft proximal of the distal tissue cutting element which is radially extendable

from a radially retracted position to a radially extended position, relative to the longitudinal axis, having an arcuate shape and being movable in said radially extended position and arcuate shape to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen; and

- c. a source of radiofrequency energy which is electrically connected to the electrosurgical tissue cutting element.

55. (New) The system for isolating body tissue as recited in Claim 54, wherein the electrosurgical tissue cutting element comprises a monopolar electrode.

56. (New) The system for isolating body tissue as recited in Claim 54, wherein the electrosurgical tissue cutting element comprises a bipolar electrode.